

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DEMEZZ HAMILTON,

Plaintiff,

-against-

ENTERPRISE HOLDINGS INC., d/b/a  
ENTERPRISE RENT-A-CAR; JESSICA  
SIROW, in her individual capacity,

Defendants.

**ORDER OF SERVICE**

22 Civ. 10860 (PGG)

PAUL G. GARDEPHE, United States District Judge:

Plaintiff Demezz Hamilton brings this pro se action under 42 U.S.C. § 1981, Title VII of the Civil Rights Act of 1964, as well as under the New York State and City Human Rights Laws, alleging that the defendants discriminated against him because of his race and national origin. He sues: (1) Enterprise Holdings Inc., doing business as Enterprise Rent-A-Car (“Enterprise”); and (2) Jessica Sirow, an Enterprise area rental manager. By order dated January 3, 2023, the Court granted Plaintiff’s request to proceed in forma pauperis (“IFP”), that is, without prepayment of fees. The Court directs service on the defendants.

**DISCUSSION**

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service.<sup>1</sup> Walker v. Schult, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); see also 28 U.S.C. § 1915(d) (“The officers of the court shall issue and

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<sup>1</sup> Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served summonses and the complaint until the Court reviewed the complaint and ordered that summonses be issued. The Court therefore extends the time to serve until 90 days after the date that summonses are issued.

serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP).

To allow Plaintiff to effect service on the defendants through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for each defendant. The Clerk of Court is further instructed to issue summonses for the defendants and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon the defendants.

If the complaint is not served on the defendants within 90 days after the date the summonses are issued, Plaintiff should request an extension of time for service. See Meilleur v. Strong, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

### **CONCLUSION**

The Court directs the Clerk of Court to mail a copy of this order to Plaintiff, together with an information package.

The Court also directs the Clerk of Court to issue summonses for Defendants Enterprise and Sirow; complete USM-285 forms with the addresses for those defendants; and

deliver all documents necessary to effect service on those defendants to the U.S. Marshals Service.

Dated: New York, New York  
January 26, 2023

SO ORDERED.

A handwritten signature in black ink, reading "Paul G. Gardephe", written in a cursive style.

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PAUL G. GARDEPHE  
United States District Judge

**DEFENDANTS AND SERVICE ADDRESSES**

1. Enterprise Holdings Inc., d/b/a Enterprise Rent-A-Car  
600 Corporate Park Drive  
St. Louis, Missouri 63105
2. Jessica Sirow  
Area Rental Manager  
Enterprise Holdings Inc., d/b/a Enterprise Rent-A-Car  
600 Corporate Park Drive  
St. Louis, Missouri 63105